

विकास योजना नाशिक

महाराष्ट्र प्रादेशिक नियोजन व नगर रचना
आधिनियम, १९६६ चे कलम ३७(२) अन्वये
निकास नियंत्रण नियमात बदल
करणेबाबतची अधिसूचना.

महाराष्ट्र शासन

नगर विकास विभाग,

मंत्रालय, मुंबई रु ५ ०० ०३८

शासन निर्णय क्रमांक-टिपोएस-१३०७/६५/प्र.क्र.२७२/०७/नवि-६

दिनांक : १३/१२/२००८

शासन निर्णय :- सोबतची शासकीय अधिसूचना महाराष्ट्र शासन राजपत्रामध्ये प्रसिद्ध करावी.

महाराष्ट्राचे राज्यपाल याचे आदेशानुसार व नावाने,


(प्रदीप गोंडल)
कक्ष अधिकारी

प्रति;

विभागीय आयुक्त, नाशिक विभाग, नाशिक.

संचालक, नगर रचना, महाराष्ट्र राज्य, पुणे.

जिल्हाधिकारी, नाशिक.

आयुक्त, नाशिक महानगरपालिका, नाशिक.

उप सचिव (नगररचना), नगर विकास विभाग, मंत्रालय, मुंबई.

उप संचालक नगररचना, नाशिक विभाग, नाशिक.

सहाय्यक संचालक नगर रचना, नाशिक शाखा, नाशिक.

व्यवस्थापक, येळवडा कारागृह मुद्रणालय, पुणे.

(त्यांना विनंती करण्यात येते की, सोबतची शासकीय अधिसूचना महाराष्ट्र शासनाच्या राजपत्राच्या भाग-३, नाशिक विभागीय पुरवणी भाग-१ मध्ये प्रसिद्ध करून त्याच्या प्रत्येकी १० प्रती या विभागास, संचालक नगर रचना, महाराष्ट्र राज्य, पुणे, उपसंचालक नगर रचना, नाशिक विभाग, नाशिक व सहाय्यक संचालक नगर रचना, नाशिक शाखा, नाशिक यांना पाठवाव्यात)

कक्ष अधिकारी (नवि-२९), नगर विकास विभाग, मंत्रालय, मुंबई.

त्यांना विनंती करण्यात येते की, सदर अधिसूचना शासनाच्या देवसार्वित्यर प्रसिद्ध करावी.

निवडनस्ती (नवि-१).

**महाराष्ट्र प्रादेशिक नियोजन व नगर रचना
अधिनियम, १९६६**

**नाशिक महानगरपालिकेच्या विकास
नियंत्रण नियमावलीमध्ये फेरबदल
करण्याबाबत कलम ३७ (२) अन्वयेची
अधिसूचना.....**

अधिसूचना

**महाराष्ट्र शासन
नगर विकास विभाग,
मंत्रालय, मुंबई ४०० ०३२.
दिनांक ११/१२/२००८**

महाराष्ट्र प्रादेशिक नियोजन व नगररचना अधिनियम, १९६६

क्रमांक : टिपोएस-१९०७/६५/प्र.क्र.२७२/०७/नवि-९ ; ज्याअर्थी, नाशिक महानगरपालिकेची विकास नियंत्रण नियमावली, महाराष्ट्र प्रादेशिक व नगर रचना अधिनियम १९६६ चे (१९६६ चा महाराष्ट्र अधिनियम क्र.३७ वा) (यापुढे उक्त अधिनियम" असे उल्लेखिलेला) चे कलम ३७(१) अन्वये शासन अधिसूचना नगर विकास विभाग क्रमांक - टिपोएस-१९९१/३५/प्र.क्र.८८/नवि-९, दिनांक २८ जून, १९९३ अन्वये मंजूर झाली असून, ती दिनांक १६ नोव्हेंबर, १९९३ पासून अमलात आलेली आहे. (यापुढे "उक्त विकास नियंत्रण नियमावली" असे उल्लेखिलेले);

आणि ज्याअर्थी, उक्त विकास नियंत्रण नियमावलीत, जमीन मालकांना विकासकांना हस्तांतरणीय विकास हक्क प्रदान करण्याची व त्यासाठीच्या अटी संबंधीच्या नियम (यापुढे उक्त नियम" असे उल्लेखिलेला) नवीन नियम क्रमांक १३.३.१ म्हणून, शासन अधिसूचना नगर विकास विभाग क्रमांक टिपोएस-१९९८/२११५/प्र.क्र.२११/१८/नवि-९, दिनांक १३ जानेवारी, २००० अन्वये उक्त अधिनियमाचे कलम ३७ (२) नुसार समाविष्ट करण्यात आला आहे;

आणि ज्याअर्थी, उक्त नियमातील काळी तरतूदी (यापुढे उक्त तरतूदी असे उल्लेखिलेल्या) खालीलप्रमाणे आहेत.

"13.3.1.2 - Development Rights (DR's) shall be available for prospective development only. Where development of reservation is started / implemented, DR's shall not be available.

13.3.1.4 – DR's shall be granted for the gross area of the land, subject to provision in clause II-1 below. FSI granted for such gross area shall be in accordance with the rules, specifying maximum permissible FSI of such gross surrendered land where from the TDR has originated.

13.3.1.8 II-1 – Total plot area shall be reckoned in F.S.R./Built up area computed as under.

This shall be applicable only to new development, to be undertaken hereinafter

Gross plot area in sq.mt. computed	Area in for F.S.I.
For plot less than 4000 sq.mt. area	90%
For plot 4000 sq.mt. and more area	75%

IV-2 – The DR's may be fully or partly (but not less than 50 sq.mt.) used in one or more receiving plots. The utilization of this DR's, shall not exceed 0.4 over the permissible F.S.I. i.e. F.S.I. permissible in accordance with D.C. Rules, applicable to receiving plot”;

आणि ज्याअर्थी, उक्त नियमातील उक्त तस्तूदारमध्ये बदल करण्यासाठी सांशेक महानगरपालिकेने उक्त आधिनियमाद्ये कलम ३७ (१) अन्वयेचा वैधानिक कार्यवाही पूर्ण करून तिचे पत्र क्र.नं.नरवि/वशि/अ१/४५१/२००६, दिनांक १९ डिसेंबर, २००६ अन्वये खालीलप्रमाणे बदल करण्याचा फेरबदल प्रस्ताव (यापुढे इकूल फेरबदल प्रस्ताव असे उल्लेखिलेला) शासनास सादर केला आहे.

“Proposed 13.3.1.2 - Development Rights (DR's) shall be available only in cases where development of reservation has not been implemented. DR's will be available to sanctioned D.P. proposals land which are surrendered on and after 10th April, 1995 or which are not yet surrendered to the appropriate authority.

Proposed 13.3.1.4 – The built up area for the purpose of FSI credit in the form of a DRC shall be equal to the gross area of the reserved plot that is surrendered and will proportionately increase or decrease accordingly to the permissible FSI where from the TDR has originated.

13.3.1.8 II-1 – This provision should be deleted.

Proposed IV-2 – The F.S.I. of the receiving plot shall be allowed to be exceeded not more than 0.4 in respect of DR available in respect of reserved plot & up to a further 0.4 in respect of DR available in respect of land surrendered for road widening or construction of new roads from the very said plot and subject to DC Rule provision in N.2.10 ;

आणि ज्याअर्थी आवश्यक ती घोकशी केल्यानंतर आणि संचालक नगररचना याचेशी सल्लामसलत केल्यानंतर उक्त फेरबदल सावेनिक हिताच्या दृष्टीकानातून आवश्यक आहे आणि काही दुरुस्थ्यासह मजूर करणेल यावा असे शासनाचे मत झाले आहे;

आता त्याअर्थी उक्त अधिनियमाच्या कलम ३७(२) मध्ये तरतुरानुसार वै त्याद्वारे प्राप्त अधिकारानुसार शासन उक्त फेरबदल प्रस्तावास काही बदलासह मंजूरी देत आहे व त्यासाठी उक्त अधिष्ठूदनेमध्ये खालीलप्रमाणे बदल करीत आहे,

उक्त विकास नियंत्रण नियमावलीतील मंजूरी देणाऱ्या उपर्युक्ताने मधील फेरबदलाच्या अनुसूचीमधील शेवटच्या नावानंतर खाली दिलेले नवीन नोंद समाविष्ट करण्यात येत आहे;

- : नोंद :-

उक्त विकास नियंत्रण नियमावलीतील नियम ब्र.१३.३.१ (हंसांतरणीय विकास हक्क प्रदान करणेबाबत चा नियम) मध्ये खालील सुधारणा करण्यात येत आहे.

Amended 13.3.1.2 - Development Rights (DR's) may be made available respect of sanctioned D.P. proposals where lands are surrendered on and after 9th May 1996. However, DR shall not be permissible, once an award has been declared under the acquisition process and or the possession has already been delivered to the Municipal Corporation / appropriate authority under any Act / D.C.R. having received part or full compensation or the amount of compensation is deposited in treasury / court.

In case where possession of reserved land is handed over to Municipal Corporation without compensation and where award has not been declared in such case Development Rights may be allowed.

Municipal Commissioner shall give clear instruction to land Acquisition officer to allow TDR instead of compensation and it is his responsibility to avoid double benefit of TDR & compensation for same land.

Amended 13.3.1.4 – The built up area for the purpose of FSI credit in the form of a DRC shall be equal to the gross area of the reserved plot that is surrendered and will proportionately increase or decrease accordingly to the permissible FSI where from the TDR has originated. Provided further that the owner shall have to surrender the reserved land (except road / road widening) alongwith the construction of compound wall (not barbed wire fencing) with required gate / gates as approved by the Commissioner.

13.3.1.8 II-1 – This provision is deleted.

Amended IV-2 – The F.S.I. of the receiving plot shall be allowed to be exceeded not more than 0.4 in respect of DR available in respect of reserved plot & up to a further 0.4 in respect of DR available in respect of land surrendered for road widening or construction of new roads from the very said plot and subject to DC Rule provision in N.2.10 ;

अ) वर दिलेली नियमाची तरतूद जनतेच्या अवलोकनाचे आयुक्त, नाशिक महानगरपालिका, नाशिक यांच्या कार्यालयात कामकाजाच्या दिवशी कार्यालयीन वेळेत उपलब्ध राहील.

ब) सदरची अधिसूचना महाराष्ट्र शासनाच्या www.urban.maharashtra.gov.in या संकेतस्थळावरहो प्रसिद्ध करण्यात आलो आहे.

महाराष्ट्राचे राज्यपाल यांचे आदेशानुसार व नोंदावले.

(प्रदीप माहेल)

कक्ष अधिकारी

The Maharashtra Regional and Town Planning Act, 1966
Sanction under section 37 (2) to the modification to the Development Control Regulations for Nashik Municipal Corporation .

GOVERNMENT OF MAHARASHTRA

Urban Development Department,
Mantralaya, Mumbai 400032.

Dated :- 11/12/2008

NOTIFICATION

The Maharashtra Regional and Town Planning Act, 1966

No. TPS-1107/65/CR-272/07/UD-9:- Whereas, the Development Control Regulation for Nashik Municipal Corporation (hereinafter referred to as "the said DCR") have been sanctioned by the Government vide Urban Development Department Notification No. TPS-1191/35/CR-88/UD-9, dated 28th June, 1993 under section 31(1) of the Maharashtra Regional and Town Planning Act, 1966 (Maharashtra Act No. XXXVII of 1966) (hereinafter referred to as "the said Act") to come into force from 16th November, 1993 ;

And whereas, new Rule No. 13.3.1 of the said DCR prescribes regulation for the grant of Transferable Developments Rights (TDRs) to owners/Developers and condition for grant of such rights has been incorporated by Government wide Urban Development Department's notification No.TPS-1898/2195/CR-299/98/UD-9, dated 13 January, 2000 (hereinafter referred to as "the said Regulation") ;

And whereas, in the said Regulation some provisions are as follows-

"13.3.1.2 - Development Rights (DR's) shall be available for prospective development only. Where development of reservation is started / implemented, DR's shall not be available.

13.3.1.4 - DR's shall be granted for the gross area of the land, subject to provision in clause II-1 below. FSI granted for such gross area shall be in accordance with the rules, specifying maximum permissible FSI of such gross surrendered land where from the TDR has originated

13.3.1.8 II-1 – Total plot area shall be reckoned in F.S.R./Built up area computed as under.

This shall be applicable only to new development, to be undertaken hereinafter.

Gross plot area in sq.mt. computed	Area in for F.S.I.
For plot less than 4000 sq.mt. area	90%
For plot 4000 sq.mt. and more area	75%

IV-2 – The DR's may be fully or partly (but not less than 50 sq.mt.) used in one or more receiving plots. The utilization of this DR's, shall not exceed 0.4 over the permissible F.S.I. i.e. F.S.I. permissible in accordance with DC Rules, applicable to receiving plot”;

And whereas the Nashik Municipal Corporation after completing the legal procedure laid down under section 37(1) of the said Act has submitted a proposal to modify the said Regulation vide its Marathi letter No.-Ö,ü×¾Ö/¾ÖÜ,Ö/†1/451/2006, dated 19th December, 2006 as follows - (hereinafter referred to as “the said Modification Proposal”);

“Proposed 13.3.1.2 - Development Rights (DR's) shall be available only in cases where development of reservation has not been implemented. DR's will be available to sanctioned D.P. proposals land which are surrendered on and after 10th April, 1995 or which are not yet surrendered to the appropriate authority.

Proposed 13.3.1.4 – The built up area for the purpose of FSI credit in the form of a DRC shall be equal to the gross area of the reserved plot that is surrendered and will proportionately increase or decrease accordingly to the permissible FSI where from the TDR has originated.

13.3.1.8 II-1 – This provision should be deleted.

Proposed IV-2 – The F.S.I of the receiving plot shall be allowed to be exceeded not more than 0.4 in respect of DR available

in respect of reserved plot & up to a further 0.4 in respect of DR available in respect of land surrendered for road widening or construction of new roads from the very said plot and subject to DC Rule provision in N.2.10 ;

And whereas, after making necessary inquiries and consulting the Director of Town Planning Maharashtra State, Pune, Govt. of Maharashtra is satisfied that the said Modification Proposal is necessary in the public interest and shall be sanctioned with some changes;

Now, therefore, in exercise of the powers conferred under section 37(2) of said Act, the Government hereby sanctions the said modification with some changes and for that purpose amends the said notification sanctioning the said Dev. Plan as follows :-

After the last entry in the schedule of Modifications to the said Notification sanctioning the said Regulations the following new entry shall be added :

ENTRY

"Following amendments are made in Rule No. 13.3.1 of the said DCR [Regulation for the grant of Transferable Developments Rights (TDRs)] -

Amended 13.3.1.2 - Development Rights (DR's) may be made available in respect of sanctioned D.P. proposals where lands are surrendered on and after 9th May 1995. However, DR shall not be permissible once an award has been declared under the acquisition process and or the possession has already been delivered to the Municipal Corporation / appropriate authority under any Act / D.C.R. having received part or full compensation. Or the amount of compensation is deposited in treasury / court.

In case where possession of reserved land is handed over to Municipal Corporation without compensation and where award has not been declared in such case Development Rights may be allowed. Municipal Commissioner shall give clear instruction to land Acquisition officer to allow TDR instead of compensation and it is his responsibility to avoid double benefit of TDR & compensation for same land.